

April 5, 1973

to E & R Initial. Mr. President, members of the Legislature, LB 501 is one of a few bills that were introduced and sponsored by the Judicial Council of the state of Nebraska, which is composed of Judges, Lawyers and individuals appointed under the auspices of the Supreme Court to review the laws of the state of Nebraska and to come up with suggested recommendations as to procedure in our court system. This particular one provides that any defendant who would rely upon the defense of insanity would have to notify the County Attorney of that fact not less than ten days before trial. You see, then the state may have the defendant examined by not less than one and not more than three experts and then would inquire as to his sanity and then the results of that examination would be filed with the court. This is a type of procedural bill which has been passed by several states of the Union with Federal government up until recently, when, I believe, there has been a change suggested in the direction by the President. However, until that comes down through the Federal channels, we do not intend to change our minds about wanting this particular kind of procedure in Nebraska and the procedure is, simply, to provide for this kind of a means of getting notice if you are going to use insanity as a defense, and I think we have to reckon with the fact that insanity in most homicide cases is very... in most cases nowadays, is, in one way or another, used as a defense and this puts everybody on notice and they can have examination, and you can't prove insanity unless you have an examination and, therefore, it's fair to both sides.

SPEAKER: Any further discussion? Are you ready for the question? Senator Nore.

SENATOR NORE: Mr. Chairman, I would like to ask Senator Luedtke a question

(End of Belt #11)